SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1970

No. 1146

SAUL STAMBLER and ROSE STAMBLER individually and SAUL STAMBLER on behalf of PRUDENTIAL OPERATING CO., INC., and EMPIRE PARK INC., and ROSE STAMBLER on behalf of EMPIRE PARK INC., (a defunct corporation),

Petitioners

-against-

JOHN J. DILLON, TITLE GUARANTEE CO., COUNTY DOLLAR CORPORATION, JOHN C. O'MALLEY, PETER WASYLEC, DAVID AVSTREIH, LEONARD WEISS, MARCY FINEE, GEORGE B. GORDON.

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

FOOTNOTE TO PETITION

SAUL STAMBLER
Petitioner Pro Se
137 Brandon Road
Yonkers, New York 10704

Q Could you describe more fully, please, some of the aspects of your professional life and employment by your insurance company? What are your duties.

THE WITNESS: I wonder, Your Honor, is this relevant?

THE COURT: What do you have in mind, Mr. Greenspan? This witness is not testifying as an expert. He is just testifying as to factual matters.

MR. GREENSPAN: I know, Your Honor, but he stated that he gave certain pieces of advice to his mother and in addition to that he stated that he has done certain things with the insurance company. I would like to know exactly what he does with this insurance company.

THE COURT: I suppose that I must allow that question. I don't want you to go too far in going into personal matters. I think what he is asking you, Mr. Gordon, and I think this much is proper, what is the nature of your duties with the company.

A My title is director of advanced underwriting services. I have charge of many technical publications. That's about as far as I can go without becoming unnecessarily detailed. It's one of those catch-all things.

Q Are you involved at all in any real property

transactions for your employer?

A No, I am not.

Q Turning to your mother, does she rely upon you for advice concerning real property transactions?

A No.

Q Does she rely upon you for advice concerning any stock transactions?

A In so far as a mother relies upon a son who is helping her to manage her affairs, yes.

Q Then your mother does rely upon you for advice in the management of her affairs, is that correct?

A I would say yes, in a lay capacity.

Q Only in a lay capacity then, is that correct?

A That's correct.

Q And not as an expert?

A No.

Q With reference to Exhibits 1M, 1N and 1-O in evidence, are these the papers which were received by you from Mr. Stambler?

A In substance, they are. I received papers from Mr. Stambler, read them, passed them on to Mr. Goldberg, some changes were made and these changes were acceptable to Mr. Stambler.

Q Then the paper itself is exactly what was handed to you or transmitted to you other than the changes which were put on that paper, is that correct?

A I am not quite sure I follow you. I think it may have been retyped, if that is what you are getting at. I am sure it was.

Q Is that the exact paper, to the best of your recollection, which you --

A The physical sheet, I think not. I think it was retyped.

Q Do you have with you the exact papers that were in fact transmitted?

A I don't know. I believe so. May I look?

Q Certainly.

A No, I don't believe I do, sir.

Q Today, in court, do you have any independent recollection of the matter contained in the documents actually submitted to you by Mr. Stambler?

A Yes, it was essentially the matter contained in these documents. The changes were changes in language more than anything else.

Q Can you indicate the changes?

A I wouldn't attempt to at this distance in time.

no, sir.

Q When you received these papers from Mr. Stambler, did you make any evaluation as to whether or not these papers were proper?

A No, I did not.

MR. WEISS: I think that starts to get to the area of expertise that Your Honor indicated before.

THE COURT: It sounds that way to me, too. You mean improper from a legal standpoint?

MR. GREENSPAN: No, Your Honor. Mr. Gordon had testified that he relied on what Mr. Stambler -- on what representations Mr. Stambler made to him and I just wanted to get his opinion at this point as to the papers that were originally transmitted --

THE COURT: But as to what?

MR. GREENSPAN: As to whether or not they seemed to be in order, whether or not they were proper, whether or not he could rely on those papers independently without seeking other advice, which is the next question I wanted to ask him.

THE COURT: He testified that he passed the papers on to Mr. Goldberg who was his co-administrator. Is he a lawyer?

THE WITNESS: Yes, he is the attorney for the estate.

THE COURT: So it is obvious --

Q Then you didn't rely on those papers, is that correct, without first having them examined by Mr. Goldberg, is that correct?

A I don't want to appear to quibble, sir. I had them examined by counsel before they were signed. But I wouldn't pass them on to counsel unless I were relying -- unless I had understood what their purpose was.

Q In other words, you fully understood what their purpose was before you handed them on to counsel?

A Yes.

Q And you relied on them prior to their being sent on to counsel, is that correct?

A To accomplish that purpose, yes.

Q What was your purpose exactly for handing them to counsel?

A Frankly, that we had helped Mr. Wasylec, or thought we had so many times in this area that we felt we should just as well go along and help him further if that was going to help clear things up.

Q Then what was your purpose in handing these to

counsel?

A I wouldn't advise anyone to execute a legal document without legal advice.

THE COURT: You know, we all really love that answer. I wish all laymen felt that way.

Q Turning to prior transactions with Mr. Wasylec to which you previously testified, did you also submit those transactions to Mr. Goldberg for his approval?

A Yes. I think I can say without qualification that all such documents were submitted to counsel.

Q Without qualification?

A Yes.

Q Do you today in court have any independent recollection of the events which transpired with Mr. Stambler and your mother and Mr. Goldberg in the fall of 1960 without refreshing your recollection?

A And without being held to precise dates?

Q Yes.

A Yes, I do.

Q Would you please state your recollections, independent of anything that you may use to refresh it.

A My recollection is that first I had either a telephone call or a letter, and I believe it was a tele-

phone call, from Mr. Stambler telling me of his relationship to a title or abstract company that was working on behalf of Mr. Wasylec, stating that in order to obtain what they thought was proper title they needed to have something further from Empire Park, Inc. It developed that that something further, since apparently the corporation had been dissolved many years before, was -- and here I can only thrash out because of what occurred, sir -- was an assignment of the stock interest if any existed so that there would be some continuing corporate authority. He asked if we were willing to do what was necessary in that regard and that they were willing to compensate for the additional trouble. I said yes, we were willing to do it in principle and would he send his papers along. They would be checked and in due course he would hear. They were checked, we made an appointment for him to come to No. 1 Fifth Avenue. My mother and I gave him the documents he requested of us.

Q That is all that you recall independently?

A Yes.

Q Today in court, is that correct, without refreshing your recollection from any papers which you may have in your possession.

A I think that is a fair statement, yes.

Q Did there come a time in the year 1961, Mr. Gordon, when you executed an affidavit on or about the 27th day of July in that year?

A Yes.

Q At the time you executed that affidavit, did you have an independent recollection of the facts which are contained in that affidavit without refreshment of your recollection in any manner?

A Much more so than I do today. It was that much closer in time. It was also executed at a time when we were meeting on ordinary business affairs and had our files at hand.

Q Then you would say that your recollection in 1961 was superior to your recollection today, is that not correct?

A I suppose it would have to be, sir.

Q So that statements you may have made either by way of affidavit or orally in 1961 would be more accurate than any statements you could make today, isn't that also correct?

A Are apt to be more accurate. Not necessarily would be.

Q You testified, Mr. Gordon, that Mr. Stambler represented himself to be an officer of a title company. How did Mr. Stambler make that representation to you? Did

he say, "Mr. Gordon, I am an officer of Blank Title Company," or how did he make it?

A I don't know. I assume that he introduced himself as such and such an official of such and such a company. In any event, when he wrote, he wrote on an official letterhead.

Q Of a title company?

A Or an abstract company. I forget which.

Q Isn't it a fact that you assumed that he was an officer of a title company but that you didn't know that he was an officer of the title company? Isn't that correct?

A I made no inquiries beyond the superficial indications, no.

Q Isn't it also a fact that Mr. Stambler never said to you in so many words, "I am an officer of Black Title Company"?

A I do not know.

Q You do not know today, is that correct?

A I do not know that that is a fact.

Q Did you know whether or not this was a fact in 1961?

A I don't know.

Q Did you know whether or not that was a fact in

1960, when the representation was allegedly made?

A I do not know.

Q You stated that the first contact you had with Mr. Stambler was either by way of a telephone conversation or by way of a mail communication. Isn't it a fact, Mr. Gordon, that it was by way of a telephone conversation?

A I believe so, but I was not certain.

Q Isn't it a fact that Mr. Stambler called you on the phone and said in so many words, "I am working on getting marketable title to a piece of land in Yonkers owned by Empire Park, Inc. and that I was referred to you as the son of Milton Gordon who was president of that company," isn't that what Mr. Stambler said to you on that first telephone conversation?

A I don't remember that first telephone conversation, sir. It could be what he said to me. It could be part of what he said to me. I do not recall.

Q Isn't it also a fact that you didn't understand the name that Mr. Stambler gave to you over the phone and that you asked him to repeat it? In fact, you asked him to spell it. Does that refresh your recollection?

A I'm sorry, it does not.

Q Isn't it also a fact, Mr. Gordon, that you per-

sonally asked Mr. Stambler at that conversation whether or not this was in fact the same land that Mr. Wasylec was interested in?

A I may have.

Q But you don't recall?

A I don't recall. I recall only the general impression.

Q Did you have any better recollection in July of 1961?

A I don't know how I could quite answer that question with any honesty.

MR. GREENSPAN: Then I will withdraw the question.

Q Returning to that conversation again, isn't it a fact that you said to Mr. Stambler in words or substance "That I told him," meaning Wasylec, "and I can tell you," meaning Stambler, "that I have no knowledge of Empire Park and that my father," meaning Milton Gordon, "had quite a few corporations but I don't know anything about them and had no connection with any of them." Didn't you make that statement to Mr. Stambler at that time?

A I don't know, but I could have. It would be quite accurate.

Q Isn't it a fact that Mr. Stambler asked you if

you could suggest the name of anyone who was associated with your father who could possibly give him information concerning Empire Park, Inc.?

A I don't recall that.

Q Have you ever had any dealings with anyone concerning Peter Wasylec, other than Mr. Stambler?

MR. WEISS: If Your Honor please, I think there ought to be a little more certainty in terms of what subject, when.

MR. GREENSPAN: I agree. I will clarify that.

Q Concerning prior transactions with Mr. Wasylec as you have previously testified.

A Have I?

Q Yes.

A No.

Q You have never met anyone connected with Mr. Wasylec on certain matters?

A Not to the best of my recollection.

Q On this transaction in question, did you meet or were you introduced to anyone other than Mr. Stambler who allegedly was connected with Mr. Wasylec prior to the execution of these documents, L, M and O in evidence.

A I myself, no.

Q Did you ever meet anyone in connection with the same matters just asked representing him or purporting to represent him as an attorney?

A I did not, no.

Q Isn't it a fact, Mr. Gordon, that in all of the prior transactions which you had with Mr. Wasylec, Mr. Wasylec was never represented by an attorney?

A I do not know. He could have been represented by an attorney without the attorney being in touch with me.

Q But it is a fact that no attorney on behalf of Mr. Wasylec was ever in touch with you on those prior transactions, isn't that correct?

A With me as an individual?

Q Yes.

A That's correct.

Q Do you have any knowledge whether anyone as an attorney repreeinting Mr. Wasylec was in touch with any other individual?

A Yes, I do.

Q Concerning the transactions prior to the one in question.

A Possibly even including the one in question. I have no knowledge of that.

Q Do you have any knowledge as to who that attorney was?

A Yes.

Q What was his name?

A A man named McQuade.

Q John McQuade?

A I think it was John McQuade.

Q And it was Mr. McQuade who was representing Mr. Wasylec in prior transactions, I mean prior to the fall of 1960?

A You are asking me, sir, to testify to something I know only on the basis of hearsay.

THE COURT: He wasn't in touch with you, is that right?

THE WITNESS: He was not.

Q When Mr. Stambler first communicated with you, did you call Mr. Wasylec to ascertain just who Mr. Stambler was?

A I don't know. I really don't.

Q Could you have called Mr. Wasylec?

A I could have or I could not have. I just have no recollection, sir. There is a certain assumption that when someone calls you under those circumstances he is

representing his status properly.

MR. HECKER: I move to strike out the latter portion of his answer as not responsive.

THE COURT: I must strike it out.

Q In 1961 when you executed this affidavit, did you have any recollection as to whether or not you communicated with Mr. Wasylec concerning Mr. Stambler prior to turning over to him the documents L, M and O in evidence?

MR. WEISS: If Your Honor please, I think that if there is going to be any more discussion and direct discussion to this affidavit, I think it ought to be either marked or identified or submitted in evidence.

THE COURT: Will you read back the question?

(Question read.)

THE COURT: I don't know what the affidavit is being used for. It isn't being used to impeach the witness in any way up to this point and I find it difficult to understand what the reference to the affidavit means.

MR. GREENSPAN: If Your Honor please, Mr. Gordon used this affidavit to refresh his recollection as to events which occurred in 1960.

THE COURT: He did on one or two occasions.

MR. GREENSPAN: I am merely asking him as to whether or not his recollection at the time he executed this affidavit which he uses today to refresh his recollection is any better than it is now. I want to know whether he knew in 1961.

THE COURT: I will overrule the objection and let Mr. Gordon answer the question, if he can.

A I assume it was. Perhaps if the thing you are specifically searching for is stated in the affidavit you will allow me to refresh my recollection again, I could answer you.

Q Do you have any knowledge of whether or not your attorney, Mr. Daniel Goldberg, communicated with Mr. Wasylec concerning the alleged representation of Mr. Stambler?

A I don't know whether Mr. Goldberg communicated with Mr. Wasylec. I know that they had some communication.

Q Did they have this communication prior to the execution of the documents LM and O in evidence?

A I do not know. I think not.

Q You think not, or do you know?

THE COURT: He said "I think not."

A I do not, but I think not.

Q Then it is your testimony so far, Mr. Gordon, that you and your mother upon the advice and approval of your counsel turned over these documents, M, N and O, to Mr. Stambler purely upon what you believed was the representation that he was an officer of a title company interested in this real property which Mr. Wasylec was interested in, is that correct?

MR. WEISS: If Your Honor please, I don't think this is a fair recital of the evidence.

THE COURT: I feel the same way about it. I sustain the objection. I don't think that is the full story of what this witness has testified to.

Q Isn't it a fact, Mr. Gordon, that you had a second conversation on the telephone with Mr. Stambler prior to ever meeting him in 1960?

A This is possible.

Q Didn't Mr. Stambler at that second conversation tell you that he was trying to locate an individual known as G. Byron Gordon? Does that ring a bell?

A No, he could have told me that the first time if there were two conversations.

Q Isn't it also a fact that in this second conversation Mr. Stambler told you that the G. Byron Gordon he

was looking for was an individual who signed deeds for Empire Park as vice president? Does that refresh your recollection?

A I don't recall Mr. Stambler saying so. He may have.

Q Let me ask you now, were you ever vice president of Empire Park, Inc.?

A I testified before that I had on occasion for short periods been an officer of one or more of my father's corporations.

Q And as such officer were you a vice president?

A Perfectly possible.

Q But you don't recall?

A Not at this stage. That was 25 years ago.

Q Mr. Gordon, if my recollection is correct you testified that among the papers Mr. Stambler sent down to you was a deed of some kind, is that correct?

A I think I did say that. I think I was mistaken.

Q Then we can let the record state now that there was no deed sent down?

A I believe it was just the three documents.

Q Namely the assignment --

A M, N and O, the assignment and the two affidavits.

Q One by you and one by your mother, is that correct?

A Yes. I am sorry about that.

Q Did Mr. Stambler state to you that he was willing to compensate you for your troubles?

A He did.

Q Isn't it a fact that he asked you how much money you personally, or you and your mother, wanted for these documents?

A That I don't know. I know that he asked how much was wanted and I told him what I thought he should pay my mother.

Q What did you tell him you thought he should pay your mother?

A My recollection is that I thought he should pay her $1,000 and we settled on $750.

Q In other words, you were bargaining, is that correct?

A It took about that long, if you want to call that bargaining.

Q But there was a demand -- not a demand, a request made from you on behalf of your mother for $1,000, is that correct?

A That's correct.

Q And Mr. Stambler said no, he only wanted to pay

$750?

A I really don't recall the details, but that is my recollection.

Q And you settled for the $750 that he wanted to pay, is that your recollection?

A It was hardly an extended negotiation, sir. That, I think, did take place over the telephone and well within the three minutes.

Q Isn't it a fact that at this third conversation with Mr. Stambler on the telephone again that he asked you to sign a deed as vice president of Empire Park, Inc. and turn it over to him?

A I don't know. I don't recall it. It could have happened.

Q Didn't he also ask you to have your mother sign a deed as surviving director of Empire Park, Inc.?

A Again, I don't know, but apparently some such recollection sticks in my mind or I would not have identified a deed as being one of the documents.

Q I am merely trying to be helpful to you, Mr. Gordon.

A I am trying to be helpful to you, but what I don't know, I don't know.

Q At the time Mr. Stambler asked you concerning assignments of stock interest, didn't you say to him you didn't know whether you had any? I am referring to stock interests in Empire Park, Inc.

A That I individually had any?

Q Yes.

A To the best of my knowledge I never had any.

Q Then the assignment of stock was made only by your mother, is that correct?

A There may have been a question as to whether there should be an assignment of stock by the co-administrators. But the assignment was made only by my mother.

Q But didn't Mr. Stambler tell you that he didn't want any guarantee from you or your mother that they owned anything but merely an assignment of anything that they might have or did own? Does that ring a bell?

A Only to the extent that I should like to take credit for stating first that we couldn't guarantee the value of anything that we gave him.

Q And so far as you are concerned, your mother received $750 for something which could have had no value?

A Of which the buyer was apprised would very probably have no value.

Q I am sorry, I didn't understand the last.

A I made it quite clear to Mr. Stambler, as I had to Mr. Wasylec when we gave him quit claim deeds without compensation, that we didn't think they were worth a great deal.

Q Does the name Mann B. Rheinish mean anything to you?

A No, sir.

Q You have never heard that name?

A Not that I recall.

Q Does the name Joseph P. Day mean anything to you?

A Since before you and I were kids he was a real estate auctioneer in New York, yes. But only in that regard.

Q I refer you once again to December 7, 1960 as to a meeting that took place at 1 Fifth Avenue in the apartment, I believe, of your mother, is that correct?

A Yes.

Q Do you recall whether that meeting took place in the morning or in the afternoon?

A Either afternoon or late afternoon, I believe.

Q Late afternoon or when?

A Some time during the course of the afternoon. I think it was toward the end of the afternoon.

Q You testified that Mr. Stambler and yourself and your mother were there, is that correct?

A That's correct.

Q At the time did you not present the affidavits as corrected or revised by your attorney to Mr. Stambler?

A I think so.

Q Did you notify and apprise Mr. Stambler at that time that changes were made?

A I am sure of that, yes.

Q Didn't you also state to Mr. Stambler that there were no corporate records in existence to your knowledge at that time?

A I think I did.

Q Isn't it a fact that Mr. Stambler stated to you that he spoke to Sadie Schneimer, who verified that there were no records in existence at that time?

A I think that happened then, yes.

Q Didn't you also at that time make a gratuitous statement to the effect that you know this Wasylec is an amazing individual and again to the effect that "Do you know that he came to my house in Maplewood one night after 9 o'clock and begged me to give him a deed?"

MR. WEISS: I think the word "gratuitous" is a

characterization.

THE COURT: Leave that word out.

A I don't know whether I did make such a statement. It's perfectly possible. If I did, it was made in admiration rather than in apparent criticism, as your tone seems to suggest.

Q Yes, exactly. Not in criticism, but in admiration. Do you recall making that statement?

A Yes, I do.

Q Isn't it a fact that in response to that statement, Mr. Stambler said in fact, "I don't know the man. I have heard about him from others but I have never met him and have no connection with him."

A Not that I know of.

Q During the course of your transactions, both by telephone and in person with Mr. Stambler, didn't you apprise Mr. Stambler that Mr. Weyler had informed you that there was an individual employed by Mr. Weyler, or Mr. Weyler's attorney, Mr. McQuade, to search for records of Empire Park and the Gordon family?

A Did I inform Mr. Stambler of that?

Q Yes.

A I don't know. I don't see that it would have

much relevancy either way.

Q Isn't it a fact, Mr. Gordon, that there was such an individual actually engaged in such employ?

A No, my recollection is that Mrs. Gordon's secretary was asked to check to see if there were any such records.

MR. FINK: May I have the answer repeated? I didn't get the first part.

THE WITNESS: My recollection is that my mother's secretary was asked to check to see if among the family records there were any such.

Q Isn't it a fact, Mr. Gordon, that Mr. Wesylee complained to you that he was spending $15 an hour to have an individual search the records to see what he could come up with?

A He certainly didn't complain to me. That's the first I have heard of it.

Q Do you have any direct recollection today in this courtroom, without refreshing your recollection, of Mr. Stembler ever making a statement to you that he was a representative of Mr. Wesylee personally?

A A blunt statement?

Q Yes.

A No, I do not. But I don't have a recollection of

his ever having denied it or done anything to imply anything to the contrary either.

MR. HECKER: I move to strike the latter part out as not responsive.

THE COURT: I must strike it out, but I guess Mr. Weiss maybe will pick that up.

Q Mr. Gordon, did you ever ask Mr. Stambler whether or not he represented in any way Mr. Wasylec?

A I believe I did, on that first telephone conversation.

Q What did you ask him? What was the substance?

A I can't give it to you verbatim. The substance was --

Q What is your best recollection, sir?

A My best recollection is my statement that we had been giving Mr. Wasylec what he required for this purpose and that I assumed that this was more of the same for Mr. Wasylec or his account, that we were not at liberty to deal with anyone else.

MR. HECKER: I move to strike out the latter part as not responsive.

THE COURT: It is responsive. He is telling us what was said on the phone, and that's what he was

asked. Motion denied.

Q Was that the only instance in your recollection that you asked or imparted information to Mr. Stambler implying that he was a representative of Mr. Wasylec?

A I think the whole tenor of Mr. Stambler's meeting with my mother and me was such, that he couldn't help but gather that we viewed him as represeinting Mr. Wasylec, that that was why we were dealing with him.

Q Can you explain something to me, plesse, Mr. Gordon? You and your co-administrators executed a certain quit claim deed to Mr. Wasylec, isn't that correct?

MR. WEISS: Which one?

Q In 1960. Is that correct?

A Yes.

Q At his request?

A Yes, sir.

Q Now you believed that you were giving Mr. Wasylec further documents to help him in his travails, is that correct?

A Yes, sir.

Q Can you explain to me why you wanted $750 on one occasion -- $1,000 on one occasion and only one dollar on a prior occasion?

A Yes, very easily.

Q I would be very interested in hearing that.

A I think it is a very human reason and probably a very frail one. Up until that point what we had been asked to do might be helpful to him, but we were somewhat doubtful as to how helpful and we didn't have the conscience to ask even for the dollar recited in the deed. But there comes a time when one is asked to help too often and when that happens to combine with what looks like a sale and a profit to the person asking for help, then one is apt to ask for a little consideration also for that and prior accommodations.

Q Thank you, that is quite understandable. I don't blame you one bit. Let me ask you something further. This was done not only to help what you believed Mr. Wesylea's cause, but for profit besides, isn't that correct?

A Whose profit?

Q Your mother's profit.

A Call that compensation for her time.

Q But there was a monetary angle to it?

THE COURT: That has been established. $750 was paid.

Q Would you have given these documents without the

consideration?

A Yes, I think we would have.

Q Prior to the execution of these documents and in fact prior to the execution of the quit claim deed for $1, Mr. Gordon, did Mr. Wasylec ever inform you that he was under contract to sell real property through which a gore of land ran which was in fact a defect in his title to the surrounding property? Did he ever inform you of that?

A That was what I had reference to when I said that at the time of the dealings with Mr. Stambler circumstances had changed sufficiently so that we felt we could in good conscience ask for some consideration, yes.

Q Then he did tell you he was selling the property, is that correct?

A Yes.

Q Did he tell you for how much?

A No. It was none of my business.

Q Then you didn't ask him.

A No, It was none of my affair.

Q You had no concern?

A None at all.

Q At the time you tendered these documents, M, N and O, did you know how much Mr. Wasylec was under contract

to sell the property for?

A I did not.

Q Did you ask at that time of Mr. Stambler how much the property was going to go for?

A No.

Q Do you know today how much the property was going for?

A I do not.

Q If I were to tell you, Mr. Gordon, that Mr. Wasylec sold this property for $130,000, would that change your opinion in any way?

A Not in the least.

THE COURT: Opinion as to what?

A Not in the least. He asked us to do something from which he could benefit which couldn't possibly hurt us in relation to property that was not of our concern. I hope he sold it for a million three hundred thousand dollars.

Q And you would not have asked any more than the thousand dollars?

A No, I was trying to turn off what might become a nuisance.

Q It seems difficult to believe, Mr. Gordon, that you deal with a man like Mr. Wasylec, who you felt was be-

coming a nuisance, and always dealing with him personally, yet the first individual who comes along, under circumstances upon which you say you assume that he is a representative of Mr. Wasylec, and you deal with him without at any time contacting Mr. Wasylec whom you dealt with personally --

THE COURT: Don't comment, because that is not a question. That is prolonged argument.

MR. WEISS: I think it's a discourse, if Your Honor please.

THE COURT: So without waiting for somebody else to do it, I sustain the objection.

MR. WEISS: I am just getting a little weary at the end of the day.

THE COURT: We all are, I would say. Maybe the witness is, too.

Q Just a few last questions, Mr. Gordon. Prior to the execution of the documents M, N and O, you say they were changed or altered in some way by your attorney, is that correct?

A Yes, sir.

Q Then you signed those documents and had your mother sign them in front of Mr. Stambler, is that correct?

A That's correct.

Q Prior to handing those documents to Mr. Stambler and in Mr. Stambler's presence, did you do anything else?

A You mean between the signing and the handing over?

Q That's correct.

A Not that I recall. I know that during the course of that meeting I was on the phone to counsel. But I don't know at what point in the meeting.

Q When you say you were on the phone with counsel, was that with Mr. Goldberg?

A Yes.

Q What did you do with Mr. Goldberg over the telephone at that point?

A I think I read him the documents prior to their being signed and executed.

Q You mean the same documents which had been changed and prepared by Mr. Goldberg?

A Yes.

Q You read to him again?

A Yes. Presumably some question had arisen.

Q You refreshed your recollection with a certain affidavit, isn't that correct?

A Yes, sir.

Q Some time around the 21st day of July, 1961?

A Yes.

Q Did you prepare that affidavit?

MR. WEISS: Do you mean writ it? What do you mean by prepare?

A I am a bit lost, too. I don't know what you mean.

Q Did you write it? Did you dictate it? Are those your words?

A I don't know whether I dictated it and sent it on to Mr. Goldberg or whether he talked about it, he dictated and I corrected it and we put it in final form. To a degree they are my words.

Q Did you have any discussion with Mr. Wasylec concerning the preparation of this affidavit?

A I don't believe so.

Q None whatsoever?

A Not that I can recall.

Q Did you have any discussion with any attorneys purporting to represent Mr. Wasylec concerning this affidavit?

A Not that I can recall. I can't even see why I should have.

Q At whose request did you prepare this affidavit?

A My recollection is that at a meeting on other

matters, Mr. Goldberg brought up this question. And the affidavit was prepared as a result of our discussions about meeting for other business.

Q Then your testimony today under oath is that you never consulted with any attorneys purporting to represent Mr. Wasylec concerning the preparation of this affidavit?

A I have no recollection of ever doing so.

Q Prior to your appearance in court today, did you ever meet Mr. Weiss?

A No, sir.

Q Did you ever meet Mr. Avstreih?

A No, sir.

Q Did you ever meet Mr. Martino?

A I haven't met him yet.

Q Have you met any representative of the law firm of Avstreih, Martino & Weiss?

A Not to my knowledge, other than here today.

Q And you never spoke to them before?

A No, sir.

Q And you never had any conversation with Mr. Weiss concerning your testimony in court today, is that correct?

A That is not correct. Mr. Weiss called me a couple of days ago and asked me to be prepared to come up

here.

Q That was the first time you had been in contact with Mr. Weiss?

A Yes, sir.

Q Did you ever have any prior contact with Mr. Avstreih?

A No, sir.

Q At the time that you had this conversation with Mr. Weiss concerning your appearance in court today, did Mr. Weiss give you any information concerning what he expected your testimony to be?

A Yes. He told me that he would send me a copy of the affidavit and that I would be asked to testify as to what occurred.

Q At the time you prepared this affidavit, or at the time you executed it, were you told what purpose it would be used for?

A Yes.

Q What purpose were you told for its use?

A I was told that Mr. Wesylee would probably try to assert his rights.

Q That's all you were told?

A Isn't that enough?

Q I don't know. I am not answering your questions, sir. I hope you are answering mine. Were you told anything else?

THE COURT: What is the question now?

Q I want to know what he was told as to the use for this affidavit.

A That in all probability Mr. Wasylec would have to sue Mr. Stambler and that it was necessary to have a statement of precisely the capacity in which I had dealt with Mr. Stambler. I was not requested to make an affidavit as to anything but the capacity in which I had dealt with Mr. Stambler, no matter what that might be.

Q At any time did Mr. Stambler give you any assurance or direct positive statement that he was representing Mr. Wasylec?

A I thought he did on that initial telephone call.

Q That is the only assurance?

A That is my recollection.

MR. GREENSPAN: Thank you.

THE COURT: Is that all, Mr. Greenspan?

MR. GREENSPAN: Yes, Your Honor.

THE COURT: Following the order in which the names appear in the title, do you have any questions,

Mr. Roy?

MR. GRUSS: No questions.

MR. ROY: If I might be permitted to ask one or two?

THE COURT: Go ahead.

BY MR. ROY:

Q At any time in your conversations with Mr. Stambler or Mr. Wasylec, was the name of Marcy Finke or Jack Jacobs mentioned?

A Not to my knowledge, sir, no.

Q At any time in your conversations that you had either with Mr. Wasylec with reference to the deed which you prepared for him in October, 1960, or with the assignments which were prepared and delivered to Mr. Stambler, were you shown any maps or diagrams purporting to indicate the property which you were asked to convey?

A I am a bit confused, sir. I think that if you are referring to the earlier deeds --

Q I am only referring to the deed that Mr. Wasylec came to get from you in October, 1960.

A I don't think so, because to the best of our knowledge, we had no further property interests there anyway. We were offering a quit claim deed which we ourselves said

had doubtful value.

Q There was a description in this deed, was there not?

A Yes, there was.

Q Did you have any idea of what the description contained, what land it referred to?

A After I could validly give a quit claim deed to this court house.

Q But you never inquired as to what particular piece of property you were asked to give a quit claim deed to?

A No, I think Mr. Goldberg had the maps in his office and probably satisfied himself on that score. My recollection is that I knew only that it was something in this Empire Park tract up here.

Q And I take it that your answer is the same when you had your dealings with Mr. Stambler, that you had no maps?

A That's correct.

Q Or surveys?

A The land wasn't involved.

Q You testified that this affidavit which you used to refresh your recollection, in your testimony here today, was prepared following a conversation with Mr.

Goldberg, is that correct?

A Yes, sir.

Q This was your attorney?

A Yes, sir.

Q Did he ask you to make this affidavit?

A Certainly not until after he had first reported -- after we had had our conversation and he had reported events that had transpired within the past few days or weeks.

Q Did he advise you that he had been asked to request you to make such an affidavit?

A I shouldn't be surprised.

Q Did he indicate to you who had made this request to him?

A I don't recall, sir. I would assume it was Mr. Wasylec or counsel acing for him.

Q It is a fact that your mother sold her assignment in Empire Park to Mr. Stambler, is that correct, or to the nominee?

A Yes, sir.

MR. ROY: No further questions.

BY MR. HECKER:

Q Mr. Gordon, when did you find out for the first

time that the person with whom you had been talking, that is, Mr. Stambler, was not representing or had not represented Mr. Wasylec?

A Either on the date appearing on that affidavit, sir, or within a few days prior thereto.

Q And after this time, or this date, did you communicate with Mr. Stambler in any respect whatsoever?

A To the best of my recollection I had no communication with him since the day he, my mother and I met.

Q Since that day did you at any time demand or request that Mr. Stambler or the nominee or assignee in the assignment executed by your mother to return the documents or papers to you?

A No.

Q Did you at any time since that date, Mr. Gordon, offer to return to the nominee any part of the $750 which your mother received?

A Not that I remember.

Q It is a fact, is it not, Mr. Gordon, as you just testified a few moments ago, your mother sold her interest in Empire Park, did she not?

A I think that is over-stating it, sir. My mother assigned whatever interest she may have had left in Empire

Park.

Q She sold whatever interest she may have had, is that correct, is that your language?

A Yes, sir.

Q No question about that in your mind, that it was a sale of whatever interest she had?

A That's correct.

Q All of her interest in Empire Park at that time, is that correct?

A All of her interest as a stockholder at that time, yes.

Q And she did do that voluntarily, didn't she?

A Certainly.

Q At the time that she did execute this assignment and the other documents, she did know what she was doing, did she?

A I assume so.

Q When the sum of $750 was paid, was it paid to you or to her?

A To her.

Q And she accepted the $750?

A Yes.

Q And she deposited the check and kept the proceeds,

didn't she?

A I haven't the faintest idea what she did with the proceeds.

Q I say she kept the proceeds.

A She deposited the check. I don't know what she did with the proceeds.

Q The check was good, wasn't it?

A I assume so.

Q You testified, and if I am incorrect in this, you will correct me, Mr. Gordon, you testified that Mr. Wasylec came to you at a certain time and he told you that he was selling the property. Did you testify to that?

A No, I testified that I had heard from Mr. Wasylec that he was selling the property.

Q When you state that you heard from Mr. Wasylec, does that mean that you didn't hear it from him directly?

A No, but it means that I may have heard it over the telephone or I may have heard it from him in person. I am not sure.

Q Then is it correct to state that Mr. Wasylec did tell you or conveyed to you directly or indirectly that he was selling his property?

A I don't mean to quibble, sir. He either told me,

communicated that to me, or to Mr. Goldberg from whom I had it. I am not sure which.

Q When he was talking about selling the property, was that with respect to the sale that you have heard some testimony about here in court?

A I don't know. I can just assume so.

Q Can you give us approximately the time when you heard that Mr. Wasylec was selling the property?

A I can guess at it, but its' a matter of recollection that it would be shortly before the dealing with Mr. Stambler.

Q That is your best recollection?

A That is my recollection. My recollection is that the dealings with Mr. Stambler were necessary in order to further Mr. Wasylec's sale of the property, yes.

Q If it should develop that this conversation you are talking about occurred after you had executed these papers and delivered these papers to Mr. Stambler, then would your recollection of the facts be erroneous?

A No, my recollection of that particular fact and its position in time would be erroneous.

Q So that your testimony with respect to any facts occurring in connection with Mr. Wasylec's request pertaining

to execution of any documents or papers would then necessarily have occurred after the delivery of these documents by your mother?

A I don't understand.

Q If it should develop, or if it should be assumed that the conversation you are testifying to about Mr. Wasylec telling you that he was selling the property, if that conversation occurred after the documents were delivered by your mother, then your testimony with respect to what occurred as a result of that conversation or occurring after that conversation would indicate that it occurred after the documents were delivered by your mother?

A I don't recall ever testifying, sir, that any action was taken as a result of that information or conversation.

Q Let's see whether --

A We assumed that Mr. Wasylec wasn't a collector of land. He must have been trying to do something with it and we were trying to help him.

Q Let's see whether we can get it another way. You testified that Mr. Stambler made certain statements to you and that certain action was taken by you and documents executed by your mother as a result of these statements by

Mr. Stambler and that your mother received the consideration for the execution of these documents after Mr. Wasylec told you he was selling the property and if you were not aware of that you would not have executed the documents, is that what you are trying to say?

A No, sir, that is not what I am trying to say, nor is it what I have testified to.

Q Then, with respect to this conversation you had with Mr. Wasylec about selling the property, tell us when that occurred with respect to the execution of these documents.

A I Do not know and I don't think that it would matter a hoot.

Q As far as you are concerned, it wouldn't matter a hoot, would it, Mr. Gordon?

A We would have executed the documents on the assumption that they were for Mr. Wasylec in any event.

MR. HECKER: I move to strike it out as not responsive.

MR. WEISS: He is asking for it.

THE COURT: I will let it stand.

Q At the time that you were executing these documents, Mr. Gordon, were you then under the impression that

Mr. Wasylec was selling the property?

A I had always been under the impression that Mr. Wasylec intended to sell the property.

Q At this particular time, were you under the impression that he was then selling the property?

A That a sale was actually in process?

Q Yes.

A I think so.

Q Did there come a time, Mr. Gordon, when Mr. Goldberg called you and told you he had heard from a certain Mr. McQuade in connection with this Empire tract? Did there come such a time?

A There did.

Q When did that occur?

A My recollection is quite a bit before this Stambler transaction.

Q So that the contact with Mr. McQuade occurred in your recollection again prior to the execution of these documents by your mother?

A I believe so. It may not have, but I believe so.

THE COURT: Who has M, N and O? May I see these for a moment, please?

(Documents handed to the Court.)

Q Before these documents, referring to Exhibits M, N, O and P, were executed by your mother or by you, did you read them?

A M, N and O I am relatively familiar with, but P is a stranger, isn't it?

MR. WEISS: P is a letter.

THE COURT: A forwarding letter.

A My mother never executed document P. That was a document signed by Mr. Stambler.

Q Just so that there won't be any misunderstanding, Mr. Gordon, I will show you these documents --

MR. WEISS: Could you show him those marked?

A I have them here, Mr. Hecker. M is an assignment from my mother, N is her affidavit and the other is my affidavit.

Q Exhibits M, N and O, before they were executed, did you read them?

A Certainly.

Q And did your attorney read them?

A Yes.

Q Did you discuss them with your attorney before they were signed?

A Yes.

Q And were you fully aware of their contents?

A Yes, sir.

Q And you consented to the contents of these affidavits before, or documents, before you signed them, is that correct?

A Yes.

Q When you signed the assignment of the stock holdings or your mother signed the assignment of the stock holdings, did you see the name of Rose Stambler in there?

A Unquestionably.

Q Did you see it?

A Yes, sir.

Q So that you were aware at that time that the name Rose Stambler was in those documents?

A Yes, and I questioned it.

Q And at the time that you had these documents before you and were about to execute them, did you ask Mr. Stambler as to whether he had a check ready for you?

A I assume so. That was before the document was signed, wasn't that?

Q And you were interested in $750, were you not?

A Not particularly. I wasn't getting it. My mother was.

Q You wouldn't give a hoot --

THE COURT: He said he wasn't getting it.

Q You say you wouldn't give a hoot for $750?

THE COURT: He didn't have $750 involved in this transaction. He didn't get a nickel out of it.

Q You were interested in seeing that your mother got $750?

A Yes.

Q Did you at any time, Mr. Gordon, know what problem had arisen with respect to this property?

A In specific detail, no.

Q The statements to which you refer in your affidavit of July 21, 1961 which you state you made up, that was made up after you had spoken to your attorney, Mr. Goldberg?

A Yes.

Q And it was made up from statements made to you by Mr. Goldberg, is that correct?

A I think I rather resent that. It was made up from statements that were constructed from my recollection and my records.

Q I say the affidavit was prepared because of statements made to you by your attorney, Mr. Goldberg.

MR. WEISS: That is not what he said.

A That is not the way you asked the question before. I am sorry if I misunderstood.

Q That's the question I am asking you now.

A It was drafted by Mr. Goldberg on the basis of things I told him.

Q But it was drafted because of statements by Mr. Goldberg to you with respect to this matter?

A That's correct.

Q And did he tell you who he heard from in connection with these particulars in your affidavit?

A I don't recall, but I assume that he heard from Mr. Weyler.

MR. BECKER: At this time I would like to offer in evidence the affidavit of Mr. Gordon which is on record in this Court and request the Court to take judicial notice of it.

THE COURT: Is there any objection from anybody?

MR. FINKE: I have no objection.

THE COURT: All right. Let it be marked. If it is being offered in evidence, it is not a question of judicial notice. I would suggest if somebody has a copy that it be physically marked.

MR. WEISS: Actually, the original was brought up here by myself, unless I am mistaken, and if that be so, we would be happy to have this marked if that is what you want.

MR. ROY: May I see that? I haven't seen it.

MR. O'MALLEY: I have no objection to the affidavit.

MR. ROY: I have no objection either.

(Affidavit of Mr. Gordon was marked Prudential Exhibit No. A-1 in evidence.)

BY MR. BECKER:

Q Mr. Gordon, you were told that Mr. Wesyles would have to sue Mr. Stambler, were you?

A I am not certain, sir, whether those words were used or whether that was implied, but I believe those words were used.

Q And that was at the time or immediately prior to the time that you prepared or had prepared for you this affidavit, Prudential Exhibit A-1 in evidence, is that correct?

A Yes, sir.

Q On how many occasions did Mr. Goldberg tell you Mr. McQuade contacted him?

A I don't know; two or three, because I can recall some correspondence with Mr. McQuade. It was Mr. McQuade who wanted to have a search made for records of Empire Park, and it was Mr. McQuade who had agreed to pay $15 an hour for clerical time, and three hours were spent and $45 was billed and never received, and so far as I am concerned, that's the end of McQuade.

MR. FINKE: Will you repeat the witness' answer?

(Answer read.)

Q Do you have any correspondence from Mr. McQuade to which you have reference?

A No, I do not. There was some correspondence in the estate files or Mr. Goldberg's files.

Q At the time you made this affidavit or dictated this affidavit, was your recollection clear of the facts?

A Certainly far clearer than it is today.

THE COURT: You know, gentlemen, because of the number of lawyers who have some right to cross examine this witness and because of the lateness of the hour, I am going to ask all of you to please try to avoid cross examination which is purely repetitious, and this last question is an example of it because this was gone into at length by Mr. Cremegna.

Q Did you at any time, Mr. Gordon, state in sum and substance that Mr. Stembler was acting on behalf of the title company for Mr. Weeylee? Did you ever make that statement?

A I very well may have. To whom am I supposed to have made it?

Q Do you recall that statement being made to you in that language or in that form?

A Made by me or to me?

Q Did you make that statement?

A I believe I did, to Mr. Goldberg, yes.

Q To Mr. Goldberg?

A Yes, and to my mother.

Q Was that statement in sum and substance made to you by anyone?

A I had thought that statement had been made to me by Mr. Stembler over the telephone in the first conversation and I believe I have so testified three or four times this afternoon.

Q So that there is no question about it; a title company was mentioned to you?

A A title or abstract company. At the moment my recollection is that it was a title company. The impression,

by the way, is confirmed by this letter.

MR. MECHEM: That is all.

BY MR. O'MALLEY:

Q Mr. Gordon, in your affidavit, Prudential's Exhibit A-1 in evidence, in the second paragraph you state, "These discussions resulted in a quit claim deed given without consideration of which copies are annexed." I show you Wesyles's Exhibit 1K for identification and Wesyles's Exhibit 1L for identification and ask you if these are the quit claim deeds referred to in this portion of the second paragraph of your affidavit?

A I believe that they are, sir.

MR. O'MALLEY: I ask that they be marked in evidence as a part of Prudential's Exhibit A-1 in evidence.

MR. WEISS: I have no objection, if Your Honor please.

MR. MECHEM: The same objection, it doesn't relate to the property involved here in this lawsuit, that it is documents which have been prepared and which have been used for purposes other than involved in this transaction.

THE COURT: I don't know what property they relate to, but it does seem to me, Mr. Mechem, that by instru-

ducing the affidavit you thereby render admissible any document which is referred to in the affidavit.

MR. O'MALLEY: And that one of the deeds does relate directly to the property involved in this action.

THE COURT: I overrule the objection. That is K and L.

MR. WEISS: Can we withdraw on behalf of Wesylee K and L?

THE COURT: I don't know. One of the anomolous situations we are in is that your clients, Mr. O'Malley, aren't even in Action No. 1, isn't that right?

MR. O'MALLEY: The title which Empire Park is claiming comes through --

THE COURT: I understand your interest but if we start calling these County Dollar exhibits --

MR. O'MALLEY: My request, Your Honor, was that they be marked in evidence as a part of Prudentials' Exhibit A-1 because they are referred to as annexed to it.

THE COURT: You want to thrust them on Prudential, is that what you mean? I don't think it makes any difference what we call them if they are in evidence and I think the easiest way to do it is to leave them

in as what they started out to be and that was Wasylec's Exhibit. Let them stay in as 1K and 1L.

(Wasylec Exhibit 1K and 1L for identification were received in evidence.)

MR. HECKER: On second thought, I think that I will withdraw my objection and consent that they go in.

BY MR. O'MALLEY:

Q Mr. Gordon, you have testified that a search was requested to be made of your mother's secretary for the records of Empire Park. Did that search turn up any records of Empire Park?

A Not a thing, sir.

Q At any time prior to the execution by yourself and your mother of Exhibits M, N and O in evidence, did Mr. Stembler state to you that he did not represent Mr. Wasylec in making a request for the execution of these documents?

MR. HECKER: Objected to, if the Court please, as calling for negative testimony. I think we can only be concerned with affirmative testimony.

THE COURT: But you brought out the affirmative and I understand why Mr. O'Malley and Mr. Weiss want to bring out the converse of the same proposition.

Actually this witness volunteered this in response to you and you moved to strike it out. I know they would pick it up later. I overrule the objection.

A No, sir.

Q At any time prior to the execution of these documents, Exhibits M, N and O, by yourself and your mother, did Mr. Stambler state to you that he was not a representative of a title company or an abstract company?

MR. HECKER: The same objection.

THE COURT: Objection overruled.

A The same answer, no.

Q You have testified that you noticed the assignment of the stock in Empire Park by your mother ran to Rose Stambler, and I believe you have testified that you raised a question as to why the assignment ran to Rose Stambler. Will you testify what question you raised in connection therewith?

A I thought it odd that there should be a conveyance of this stock to apparently the wife of the person with whom I was dealing when I felt that he was dealing in a more or less fiduciary capcity.

MR. HECKER: Objected to and move to strike it out, operation of the mind.

THE COURT: Yes, I think it is, and I strike it out. But what you are asked to tell us, Mr. Gordon, if you will, is whatever was said at the time about the fact that Rose Stambler was named as the assignee in that instrument.

THE WITNESS: I asked why it was, sir, and was told that this was the convenient way of handling this thing and it was quite all right.

THE COURT: Who told you that?

THE WITNESS: Mr. Stambler. May I testify to my introduction for a moment?

THE COURT: You can only testify to what was said between you at that time.

MR. HECKER: I didn't hear.

THE COURT: Will you read that, please?

(Record read.)

BY MR. O'MALLEY:

Q And did you rely upon those statements of Mr. Stambler in executing your affidavit, Exhibit O, and in submitting the affidavit Exhibit N, and the assignment, Exhibit M to your mother for signature?

A Yes.

Q Did you believe the statements to be true?

A Of course.

Q Did you ever see any stock of Empire Park issued in the name of your mother?

A I don't recall ever having seen any stock of Empire Park.

Q Did you ever see the stock books of Empire Park containing entries showing the issuance of stock to your mother?

A No, sir.

Q Did you ever see any stock of Empire Park issued in the name of Sadie Scheckner?

A No, sir.

Q Did you ever see any entries in the stock book of Empire Park showing the issuance of stock to Sadie Scheckner?

A No, sir.

MR. O'MALLEY: That is all.

THE COURT: Do you have anything further, Mr. Weiss?

MR. WEISS: I have.

REDIRECT EXAMINATION

BY MR. WEISS:

Q Mr. Gordon, do I understand that you reside in New Jersey?

A Yes, sir.

Q Do I also understand that you are employed by a firm that has its place of business in New Jersey?

A Yes, sir.

Q Are you here today, sir, voluntarily?

A Completely.

Q Have you been subpoenaed to come and testify in this case?

A No, sir.

Q Do you, sir, have any financial interest in the outcome of any of these cases that confront us here today?

A Not the slightest.

Q Have you, sir, been given any consideration by my office or anybody in it or Wasylec or anybody else to come here today?

A No, sir.

Q Have you, sir, been promised anything?

A No, sir.

Q By any member of our firm or office or Mr. Wasylec?

A By no one.

Q The truth of the matter is, Mr. Gordon, that until I spoke to you, I think last week, you have testified,

you never saw me in your life. Have you seen me?

A No, sir.

Q Would the same apply to Mr. Avstreih, one of my associates and anybody else in my office?

A Yes, sir.

MR. WEISS: Thank you, sir.

THE COURT: I am going to limit this very strictly on recross because I think this witness has been very, very thoroughly examined and I don't think that further examination can possibly be profitable here.

MR. HECKER: Only with respect to the documents which have been offered into evidence by Mr. O'Malley. I am now directing my remarks as a result of these documents.

THE COURT: He has previously been thoroughly examined as to the circumstances under which they were executed and of course, as far as their contents is concerned, they speak for themselves.

MR. HECKER: If Your Honor will bear with me a moment --

THE COURT: I will bear with you but not very long, Mr. Hecker.

RECROSS EXAMINATION

BY MR. HECKER:

Q Mr. Gordon, you recall signing these documents that are indicated Exhibit 1K and 1L, the deeds to which there has been reference?

A Yes.

Q You recall that?

A I recall signing such documents, yes.

Q After these documents were executed, did you see Mr. Wasylec again?

A I don't know.

Q Did you hear from Mr. Wasylec again after these documents were signed?

A I do not know, sir. I don't know whether I heard from him or Mr. Goldberg did or both of us did.

MR. HECKER: That is all.

MR. O'MALLEY: I forgot to ask one question that I would very much like to ask.

THE COURT: All right, but I hope after you ask that one and get the answer that you don't suddenly think of another one.

BY MR. O'MALLEY:

Q Do you know who constituted the last board of directors of Empire Park, Inc.?

A Beyond being absolutely certain that my father

and mother were both probably on it, no.

Q Do you know whether Rose Stembler was a member of the last board of directors of Empire?

A I would very much doubt it. I don't know, but I would very much doubt it.

MR. O'MALLEY: That is all.

MR. WEISS: Could I thank Mr. Gordon on behalf of everybody concerned?

THE COURT: The Court thanks him. I know he has come a distance and I know he has an appointment that he is anxious to keep tonight.

(Witness excused.)

(Whereupon, an adjournment was taken to September 30, 1965, at the same place.)

* * *